

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

CASE NO. 1:19-CV-593-LCB-JLW

ZION WILLIAMSON,

Plaintiff,

v.

PRIME SPORTS MARKETING, LLC, and
GINA FORD,

Defendants.

**MEMORANDUM IN SUPPORT
OF PLAINTIFF'S
MOTION FOR SCHEDULING
CONFERENCE**

Plaintiff, by and through undersigned counsel, seeks a Scheduling Conference with the Court, pursuant to Fed. R. Civ. P. 16 and 26 and Local Rules 16.1 and 26.1 of the Local Rules for the Middle District of North Carolina, to schedule discovery of this case. In support of this Motion, Plaintiff shows the Court the following:

1. Plaintiff filed a Complaint in this action on June 13, 2019. Rather than respond to Plaintiff's Complaint, Defendants raced to Florida and, six days later, initiated a related action in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida (the "Florida Action," filed on June 19, 2019).

2. Plaintiff filed the First Amended Complaint in this Court on August 23, 2019, which Defendants moved to dismiss on September 12, 2019. That motion is fully briefed and pending before this Court.

3. Defendants now seek to commence discovery in the Florida Action, and Plaintiff seeks, in the interest of judicial economy, to coordinate discovery in this action.

4. On February 28, 2020, Plaintiff proposed to Defendants a joint discovery process, but Defendants refused to move forward with any discovery in this action until after receiving a ruling on the motion to dismiss. In addition to refusing Plaintiff's proposal, Defendant's warned that if their pending motion failed, they intend to file additional motions thereafter to further delay this matter from proceeding on the merits in this Court.

5. In light of these circumstances, Plaintiff believes that, to facilitate coordination of discovery with the Florida Action, it is now necessary to schedule a conference with the Court to secure a pre-trial schedule for this case.

6. The need for a scheduling conference is exacerbated by the fact that Defendants seek immediate discovery in the Florida Action, which, unless coordinated with this first-filed action, is likely to result in duplicative discovery.

7. Plaintiff proposes that the Scheduling Conference be conducted the week of March 9, 2020, at the Court's convenience.

Accordingly, Plaintiff respectfully requests that the Court set a conference on or after March 9, 2020, to schedule discovery in this case so that the parties may coordinate discovery in this case with the Florida Action.

[Signatures Follow]

This 3rd day of March 2020.

/s/ John R. Wester

John R. Wester

N.C. Bar No. 4660

jwester@robinsonbradshaw.com

Robert E. Harrington

N.C. Bar No. 26967

rharrington@robinsonbradshaw.com

Fitz E. Barringer

N.C. Bar No. 42679

fbarringer@robinsonbradshaw.com

ROBINSON, BRADSHAW & HINSON, P.A.

101 N. Tryon St., Ste. 1900

Charlotte, North Carolina 28246

Telephone: 704.377.2536

Facsimile: 704.378.4000

Jeffrey S. Klein*

Jeffrey.Klein@weil.com

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, NY 10153

Telephone: 212.310.8790

Facsimile: 212.310.8007

*Local Rule 83.1(d) Special Appearance

Attorneys for Plaintiff

Local Rule 7.3(d)(1) Word Count Certification

I hereby certify that this brief contains 364 words as reported by the Microsoft Word count feature and is in compliance with Local Rule 7.3(d)(1).

/s/ John R. Wester

John R. Wester